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REPORT OF THE SECRETARY-GENERAL CONCERNING THE SITUATION IN ABKHAZIA, GEORGIA

I. INTRODUCTION

1. By its resolution 896 (1994) adopted on 31 January 1994, the Security Council, inter alia:

(a) Approved the continuation of the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 7 March 1994 within the numbers authorized in its resolution 892 (1993);

(b) Requested the Secretary-General to report to the Security Council immediately following the third round of negotiations between the parties on progress, if any, made in the negotiations and on the situation on the ground, with special attention to circumstances that might warrant a peace-keeping force and on the modalities for such a force;

(c) Underlined the importance of substantive progress towards a political settlement at the next round of negotiations for further consideration by the Council of the possible establishment of a peace-keeping force in Abkhazia, Georgia.

2. In the same resolution, the Council also recognized the right of refugees and displaced persons affected by the conflict to return, without preconditions, to their homes in secure conditions. The Council called upon the parties to honour the commitments they had already made in that regard and urged the parties to come to an expeditious agreement, including a binding timetable, that would assure the rapid return of those refugees and displaced persons in secure conditions.

II. POLITICAL EFFORTS

3. Following the signing by the parties of their communiqué on 13 January 1994 (see S/1994/32, annex), a second meeting was held of the group of experts to address the issue of the political status of Abkhazia. The meeting took place in Moscow from 8 to 10 February 1994.

4. At the suggestion of the Chairman of the group of experts, Mr. Giorgio Malinverni of Switzerland, the Group examined two points: (a) the division of competences between the Georgian authorities and the Abkhaz authorities; and (b) national and international guarantees, the rights to be recognized as those of Abkhazia and the mechanisms that might possibly be envisaged for the implementation of the competences decided.

5. Also at the suggestion of the Chairman, the Group avoided using abstract terms such as "confederation", "federal State" or "regional state", but rather concentrated on the practical question of how the competences might be arranged between the two entities that might compose the future State. Both sides made proposals in this context and discussion revolved around the division of competences between those that would belong to each entity and those that could be common (e.g., foreign policy, foreign trade, customs, border arrangements).

6. By the end of the meeting, it was the view of the Chairman that the points of view of the two delegations seemed to have drawn visibly closer. He believed that discussion was leading towards a type of confederal structure and even, in certain respects, a federal structure. Nevertheless, he recognized that a number of difficult and delicate problems remained to be addressed and he suggested that the points of view of the two parties on certain fundamental aspects should be addressed during the round of negotiations that was to follow at Geneva.

7. Preceded by a day of informal consultations, the third round of negotiations, chaired by my Special Envoy for Georgia, Ambassador Edouard Brunner, took place in Geneva from 22 to 25 February 1994. The participants were the two parties to the conflict, the Russian Federation in its capacity as facilitator and a representative of the Conference on Security and Cooperation in Europe (CSCE). Representatives of the United Nations High Commissioner for Refugees (UNHCR) also took part.

8. Following a specific reference to the Security Council's call for substantive progress towards a political settlement, vigorous efforts were made to find a way forward in the matter of the political status of Abkhazia. On the basis of positions taken in the informal meetings and from information gained, the Chairman and the Russian facilitator jointly prepared a draft paper as the basis for consideration of a declaration by the parties.

9. Intensive discussions ensued, and by the final morning, the Chairman was able to put forward a draft declaration, most of which was acceptable to both parties. There remained, however, a significant difference of opinion over the issue of the territorial integrity of Georgia and the relationship of Abkhazia to Georgia. The Abkhaz side declined to sign any document that included recognition of Georgia's territorial integrity.

10. In a separate working group, chaired by UNHCR, work proceeded on the draft quadripartite agreement on the voluntary return of refugees and displaced persons. By the final day, agreement had been reached on all the text except for one phrase referring to whether immunity should apply to persons who had taken part in hostilities and who continued to pose a real threat to security. At the end of the group's work, final agreement on the complete text was seen to

depend on the outcome of the negotiations over the wording of the draft political declaration.

11. On the morning of the concluding session and despite every effort by the Chairman and the Russian facilitator to devise a compromise, it proved impossible to obtain a document that would be signed by both parties and in which the sovereignty and territorial integrity of the Republic of Georgia would be recognized by all concerned. It will be recalled that the Security Council had stressed the importance of this in paragraph 4 of resolution 896 (1994).

12. The Chairman therefore proposed that none of the documents should be signed by either party at that stage and that the third round of negotiations should be suspended in order to give the parties time for reflection. It was decided that the session should be resumed at United Nations Headquarters, New York, at 10 a.m. on Monday, 7 March.

13. The present text of the draft declaration on measures for a political settlement of the Georgian/Abkhaz conflict is annexed to the present report.

III. THE UNITED NATIONS OBSERVER MISSION IN GEORGIA

14. UNOMIG continues to perform its duties under the mandate laid down in paragraph 4 of Security Council resolution 881 (1993). UNOMIG observers, being unarmed, remain unable to conduct patrols in the Gali district, south of the Ochamchira-Tkvarcheli line, for lack of security caused by roving uncontrolled armed elements. UNOMIG's strength as of 28 February was 20 United Nations military observers. The Chief Military Observer, Brigadier-General John Hvidegaard (Denmark) has advised me that in the present circumstances the current strength of UNOMIG is satisfactory.

IV. SITUATION ON THE GROUND

15. The situation throughout Abkhazia remains generally calm. However, looting and vandalism are still taking place, although not to the same extent as in the period just after the outbreak of hostilities in October 1993.

16. Hostilities broke out again in early February 1994 in the Gali district of Abkhazia, thus breaking a tacit cease-fire between the parties that had prevailed since the fighting in September/October 1993. The Abkhaz side alleged that there was an increase in infiltration of armed elements at the end of January, while the Georgian side asserted that the Abkhaz offensive commenced on 6 February.

17. Reports regarding the scale of fighting and the dimension of the resulting damage have also been conflicting and unconfirmed. Some reports claimed that some 2,000 to 3,000 soldiers had been involved in the fighting, that the hostilities had caused an additional 3,000 inhabitants of the Gali district to flee the area and that as many as 500 lives had been lost. There have also been reports of some 800 houses being burnt down and of the Gali district and its environs being heavily mined.

18. UNOMIG observers were not able initially to visit Gali or to verify any of these reports. Safe access was possible only with military escorts, which were not provided until 24 February, at which time UNOMIG observers were able to visit certain areas in the Gali district. They reported a tense situation with occasional and sporadic shooting. They saw few civilians on the roads they patrolled, and most of the houses they passed had been either burnt, looted or destroyed.

V. MODALITIES FOR DEPLOYMENT OF A PEACE-KEEPING OPERATION

19. In paragraph 22 of my report of 25 January 1994 (S/1994/80), I suggested two options that the Security Council might consider for the possible deployment of a larger international military presence in Abkhazia, Georgia. In option 1, the Council could establish a peace-keeping force, under United Nations command and control, to operate initially in the areas of Gali district and the Inguri and Psou rivers in order to monitor an effective separation of forces, to monitor the disarmament and withdrawal of armed units and, by its impartial presence in the Gali district, to help to create conditions that would be conducive to the return of refugees and displaced persons. Under option 2, the Council could authorize a multinational military force, not under United Nations command and consisting of contingents made available by interested Member States. UNOMIG would be maintained and entrusted with the tasks of monitoring the operations of the multinational force, liaising with the local authorities in Abkhazia and observing developments on the ground.

20. On 5 February, I dispatched a technical team to the area to study the modalities of deploying a possible peace-keeping operation under the two options described. The team joined, and was headed by, the Chief Military Observer of UNOMIG; UNHCR also sent representatives to work with the team, which remained in the area for two weeks.

21. The technical team was not able to produce a plan for the possible deployment of a traditional peace-keeping operation. Both parties had reservations regarding where an option-1 force would be deployed. The Abkhaz side would want it deployed along the Inguri River and not throughout Abkhazia, while the Georgian side would not agree to deployment to the east of the Inguri River. In addition, the Abkhaz side was also opposed to the presence of a United Nations civilian police component.

22. I have, through my staff, attempted to assess the possibility of keeping UNOMIG in being to observe a multinational military force as described in option 2 of my report (S/1994/80). In the absence of any concept of operation for such a force, it has not been possible to plan for the new functions of UNOMIG. Furthermore, the Chief Military Observer has advised me that both parties now seem to have reservations regarding the possible composition of such a force and seem to favour the establishment of a traditional peace-keeping operation as described in option 1.

23. In the circumstances, I intend to continue further planning of the modalities for such an operation and to report to the Council thereon as soon as the political negotiations have reached the point at which the Security Council might decide to establish the operation.

VI. OBSERVATIONS

24. Since my previous report (S/1994/80), the situation between the two parties to the conflict has not improved; on the contrary, it has worsened. As the meeting of the group of experts was taking place in Moscow in early February, reports were received of a renewal of fighting in the Gali region, leading to more deaths, destruction of homes and refugee flows. The situation continues to be extremely tense and, as warmer weather approaches, there will be a rising demand by refugees and displaced persons to return to their homes. They will face the results of widespread looting and burning of houses, ransacking of property, a lack of electricity and other utilities and a continued absence of law and order. If, notwithstanding these dangers, there are uncontrolled efforts by refugees to return home, incidents of violence will be likely.

25. A paradox exists. Both parties to the conflict have expressed their wish to see the deployment of a United Nations peace-keeping force or other forces authorized by the United Nations. Moreover, the Government of Georgia has appealed for an international peace-keeping force to be deployed, in the belief that its presence in the Gali region would be conducive to the return of the refugees. Indeed, UNHCR has made it clear that it cannot promote and organize a voluntary repatriation operation without there first being a peace-keeping deployment in the area. The Council has set certain conditions before it will consider the deployment of such a force. However, the Abkhaz side is taking political positions that prevent those conditions from being met. Thus, by not acceding to the Council's demand that all concerned recognize the territorial integrity of Georgia, the Abkhaz side is in effect preventing the United Nations from responding to a call for assistance from a Member State and blocking the orderly return of refugees.

26. The Abkhaz side, for its part, has certain anxieties, some of which are well-founded. The conflicts that have taken place in the past two years have been brutal on both sides and there is a fear that the return of refugees and displaced persons will include paramilitary elements that will instigate further violence. There is also the problem that there is no longer in Gali and its surrounding district adequate infrastructure to support large numbers of returnees. For example, a recent report from UNOMIG indicated that in the town of Gali 20 per cent of houses are without a roof and 70 per cent have been looted or burned. In the surrounding area the percentages are higher.

27. Other Abkhaz concerns arise from a misunderstanding of the role of a peace-keeping force. Some members of the Abkhaz leadership appear to believe that a peace-keeping force will be, in effect, an occupying force deployed in strength throughout the whole of Abkhazia. Moreover, they have declined to accept international civil police whose role would be to assist the Abkhaz authorities to restore law and order and to deal with the returnees on the grounds that this task should be the sole responsibility of local police, a

position that can hardly be expected to inspire confidence in the returnees themselves after the events of the past few months.

28. Perhaps the strongest Abkhaz apprehension arises from the fact that the Abkhaz are a minority in their own land. Before the conflict began, they represented only some 17 per cent of the original population of some 550,000 people and even now they do not constitute a majority of the reduced population that remains. There is therefore a concern that the return of large numbers of Georgian refugees will make it more difficult for them to negotiate acceptable arrangements to guarantee their minority rights.

29. The Abkhaz leadership continues to proclaim, on television and radio in Sukhumi, as it did also to the technical planning team when it visited the area in February, that its objective is independence. It has been made clear to the Abkhaz side in the negotiations that independence achieved by force of arms is unacceptable to the international community. It has also been told that the deployment of a peace-keeping force only in the immediate area of the Inguri River would serve to accentuate the separation of Abkhazia from the rest of Georgia, without helping to create conditions of security for returnees.

30. The Security Council's requirement for substantive progress in the political negotiations has, at the date of the present report, not yet been met. It is essential that some success in this regard be achieved when my Special Envoy resumes his negotiations in New York on 7 March.

31. Without early political progress, fighting will be resumed before long. Furthermore, there will again be a serious risk that it will attract combatants from adjacent areas and elsewhere and conflict may spread to other parts of the Caucasus Mountains region.

32. The deployment of an international military presence could contribute to much needed stability in the area. As I stated in my previous report (S/1994/80), the situations that exist in the newly independent States of the former Soviet Union carry much significance for regional stability and international peace and security and are as worthy of United Nations attention as those in other regions. At present, however, the conditions that would make it possible to plan and deploy such a peace-keeping force with an achievable mandate do not exist.

33. I recognize that a view exists that the Organization is already overextended and is ill-placed to take on additional commitments. It is all the more necessary, therefore, to be sure that conditions obtain for a possible peace-keeping force to carry out the mandate entrusted to it by the Council. It also has to be said that a force that was authorized but not provided with adequate resources and slow in deployment would be of little value.

34. In the circumstances, I strongly urge both parties to make the necessary compromises when the negotiations resume on 7 March in order to avoid further outbreaks of fighting and to permit planning of the modalities for a peace-keeping operation to go forward. I shall report further to the Council when the outcome of those negotiations is known. In the meantime I recommend a short extension of UNOMIG under the existing mandate.

Annex

Declaration on measures for a political settlement of the Georgian/Abkhaz conflict

1. The third round of negotiations on a comprehensive settlement of the Georgian-Abkhaz conflict took place from 22 to 25 February 1994 in Geneva under the aegis of the United Nations with the facilitation of the Russian Federation and with the participation of representatives of the Conference on Security and Cooperation in Europe (CSCE) and a representative of the United Nations High Commissioner for Refugees (UNHCR).

2. The negotiations were held in accordance with Security Council resolutions 849 (1993) of 9 July 1993, 854 (1993) of 6 August 1993, 858 (1993) of 24 August 1993, 876 (1993) of 19 October 1993, 881 (1993) of 4 November 1993, 892 (1993) of 22 December 1993 and 896 (1994) of 31 January 1994.

3. The parties have agreed to and signed a quadripartite agreement, a copy of which is attached to the present Declaration, on the repatriation of refugees/displaced persons. The agreement provides for the return of refugees/displaced persons in accordance with existing international practice, including the practice of UNHCR. A special commission on refugees/displaced persons, which shall include representatives of the parties, UNHCR and the Russian Federation, and CSCE in an observer capacity, shall begin its work on ... March 1994. The implementation of the agreement will begin upon the deployment of a peace-keeping force.

4. The parties reaffirm their request for the early deployment of a peace-keeping operation and for the participation of a Russian military contingent in the United Nations peace-keeping force, as stated in the Memorandum of Understanding of 1 December 1993 (S/26875, annex) and the communiqué of 13 January 1994 (S/1994/32, annex). The plan for carrying out the peace-keeping operation will be agreed upon with the parties to the conflict. The realization of the peace-keeping operation should also promote the safe return of refugees/displaced persons. The parties again appeal to the United Nations Security Council to expand the mandate of the United Nations Observer Mission in Georgia (UNOMIG) at the Council's forthcoming consideration of the item on 7 March 1994.

5. The parties agree to continue energetic efforts to achieve a comprehensive settlement. In order to elaborate proposals on the re-establishment of their State and legal relations, the parties will set up an appropriate committee, which will work on an ongoing basis with participation of representatives of the United Nations, CSCE and the Russian Federation and with the involvement of international experts.

6. During the period of negotiations until a final solution to the question of the political status of Abkhazia is found, the parties will respect territorial integrity within the borders of the former Georgian Soviet Socialist Republic and the Abkhaz Autonomous Soviet Socialist Republic as of 21 December 1991.

7. Abkhazia shall have its own Constitution and legislation and appropriate State symbols, such as anthem, emblem and flag.

8. The parties agree that, during the process of defining the political and legal status of Abkhazia, issues of joint competence and delimitation of powers will be considered. The decisions on these issues shall be set out in a special treaty.

9. At the present time, the parties have reached a mutual understanding to delegate powers for joint action in the following fields:

(a) Foreign policy and foreign economic ties;

(b) Border guard arrangements;

(c) Customs;

(d) Energy, transport and communications;

(e) Ecology and elimination of consequences of natural disasters;

(f) Ensuring human and civic rights and freedoms and the rights of national minorities.

Implementation of this agreement will be determined in the context of the comprehensive settlement.

10. The parties once again commmit themselves, as set out in their communiqué of 13 January 1994, to the non-use of force or the threat of the use of force against each other.

11. The parties decided to take additional measures in connection with the search for missing persons and the reburial of the dead.

12. The parties, based on the fact that there is no statute of limitations applicable to war crimes, agreed to intensify efforts to investigate war crimes, crimes against humanity and serious criminal offences as defined by international and national law and bring the perpetrators to justice.

For the Georgian side:

J. IOSELIANI

For the Abkhaz side:

S. JINJOLIA

In the presence of:

From the United Nations:

E. BRUNNER

From the Russian Federation:

B. PASTUKHOV

From the Conference on Security and Cooperation in Europe:

V. MANNO